

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ERIC MATTHEW DEPREZ,

Plaintiff,

v.

**SOCIAL SECURITY
ADMINISTRATION,**

Defendant.

No. 3:16-cv-02632

CHIEF JUDGE CRENSHAW

ORDER


Before the Court is a Report and Recommendation from the Magistrate Judge, recommending that the Court deny Plaintiff's Motion for Judgment on the Record and affirm the final decision of the Commissioner. (Doc. No. 19.) Plaintiff filed a timely Objection. (Doc. No. 20.) In his Objection, Plaintiff made the same three arguments he made before the Magistrate Judge: (1) the ALJ failed to properly consider and give appropriate weight to Plaintiff's treating source opinion evidence; (2) the ALJ erred because Plaintiff's impairment is "clearly" more than non-severe; and (3) the ALJ improperly discounted Plaintiff's credibility by attacking his service record. (Doc. No. 20.)

The Magistrate Judge, in his forty page Report and Recommendation, thoroughly addressed all three arguments. First, the Magistrate Judge correctly found that the ALJ extensively discussed the opinion evidence from the VA medical records. (Doc. No. 19 at 21). Second, the Magistrate Judge correctly concluded that substantial evidence supported the ALJ's determination to find that Plaintiff does not have a severe impairment, as defined in the Social Security Regulations. (Doc. No. 19 at 25.) And last, the Magistrate Judge discussed the conflicting evidence

within the record regarding Plaintiff's service record, and correctly held that any credibility determination from that evidence is left in the discretion of the ALJ. (Doc. No. 19 at 34.) This Court agrees with the Magistrate Judge's analysis and conclusion.

Accordingly, after a de novo review, Plaintiff's Objections (Doc. No. 20) are **OVERRULED** for the reasons stated in the Report and Recommendation (Doc. No. 19), which is **ADOPTED**. Plaintiff's Motion for Judgment on the Record (Doc. No. 15) is **DENIED**, and the final decision of the Commissioner is **AFFIRMED**. The Clerk shall enter judgment in accordance with Federal Rule of Civil Procedure 58.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE